

Attorney Docket No.: 99.49US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of Dreher, et al.

Group Art Unit: 1617

Appellants: Color Access, Inc. (assignee)

Examiner: YU, Gina C.

Serial No.: 09/482,773

Filed: January 13, 2000

For: **OPTICAL MAKEUP COMPOSITION**

**RESPONSE TO EXAMINER'S ANSWER TO SUBSTITUTE APPEAL BRIEF**  
**(37 CFR § 41.41)**

Commissioner of Patents  
Attention: Board of Patent Appeals and Interferences  
Alexandria, VA 22313-1450

Sir:

Appellants hereby submit this reply brief in response to the Examiner's Answer of May 17, 2006, replying to the substitute Appeal Brief, filed on February 21, 2006, appealing from the office action mailed on January 28, 2004. No amendments or new or non-admitted affidavits, and/or other evidence are being submitted.

### **STATUS OF CLAIMS**

Claims 1 to 34 remain rejected and pending in this application. The appealed claims are claims 1 to 11 of the response under 37 CFR § 1.116, mailed June 24, 2004.

### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The outstanding issues are whether claims 1-7 and 9-11 are rendered obvious by Kimura et al (U.S. Patent No. 5,690,916, hereinafter referred to as "the '916 reference") in view of Hinenno et al (U.S. Patent No. 6,207,174, hereinafter referred to as "the '174 reference"), and whether claim 8 is rendered obvious by the combination of the aforementioned references with Hurst ("Face Powders", Poucher's Perfumes, Cosmetics and Soaps, 1993, hereinafter the "Hurst" reference). Specifically, the question is whether one of ordinary skill in the art, in view of the disclosure in the '174 reference, or the disclosures in the '174 reference and in the Hurst reference, would have applied the compositions of the '961 reference to age-wrinkled skin with the expectation that applying the compositions of the '916 reference to age-wrinkled skin would have the effect of reducing the appearance of lines and wrinkles on age-wrinkled skin.

## **ARGUMENT**

The present invention relates to a method of reducing the appearance of lines and wrinkles associated with aging of the skin, which method comprises applying to the skin exhibiting the lines and wrinkles a makeup composition comprising an interference pigment having a blue or violet reflectance, combined with at least one metal oxide pigment.

### **a. Claims 1-7 and 9-11**

In her "Response to Argument", on page 6 of her Answer, the Examiner first makes the assertion that the Appellants, in their Substitute Appeal Brief, have improperly attacked the references individually in rebutting an obviousness rejection based on a combination of the references. However, this is a facile comment that actually points up the failure in the Examiner's own rejections. Appellants have actually read the references in their totality, instead of reading selected disclosures as the Examiner has. Appellants' "individual" attacks are actually a technical analysis of the teachings of the entire documents, which is how a reference must be read in order to properly apply it. Each document must be reviewed in its entirety to determine whether, as a whole, one skilled in the art would be led to combine its teachings with the other cited references. Appellants' individual analysis of each reference shows the absence of teachings that would lead to their combination, and actually suggests why they should not be combined. It is not the Appellants' understanding of the law that they are prohibited from analyzing the entire technical teachings of a given reference, simply because to do so exposes a serious flaw in the Examiner's combination of references. The Appellants must be permitted to point out the errors in the Examiner's technical analysis of any cited reference, so as to rebut the asserted reasons as to why the teachings of the reference should be combined in the first place. Therefore, prior to addressing the objections in view of the combination of cited art, the Appellants provide the following brief analyses of the teachings of the '916 and the '174 references.

#### **1. The '916 reference**

It is taught in the '916 reference that the compositions disclosed therein are provided for adjusting skin color so that a hyperchromic portion of the skin can become inconspicuous by virtue of an interference action by a material in the compositions having a transmitted light component which is a complementary color to the color of the skin area to be adjusted (column 2, lines 25-29 of the reference). The reference compositions reflect a light component which is the same color as the discolored skin and transmit a light component to the discolored skin which is a color complementary to the discoloration. The discolored portion of the skin then reflects the light component of complementary color (interference effect), thereby tricking the viewer's eye into perceiving the discoloration as skin-colored. The reference fails to explicitly teach using the compositions disclosed therein to visibly reduce wrinkles or lines caused by aging.

## **2. The '174 reference**

The reference teaches composite powders comprising interference pigments and coloring compositions comprising the composite powders. The reference further discloses the use of the compositions in various fields, including cosmetics, paints, plastics, printing inks, and liquid crystal displays. The reference specifically teaches, in five examples, that a red interference pigment is useful in cosmetic compositions for application to the skin primarily to improve skin color. In two of those five examples, a further advantage is disclosed: a cosmetic composition comprising a red interference pigment also is useful for covering wrinkles in the skin. The reference does not disclose a cosmetic composition comprising a blue or violet interference pigment. The reference, therefore, cannot disclose or suggest the use of such a cosmetic composition for camouflaging lines and wrinkles associated with aged skin.

In her attempt to establish a prima facie case of obviousness, the Examiner makes the statements, in the middle of page 6 of her Answer, that:

"The cosmetic composition comprising blue interference pigments, which is used in the presently claimed method, already has been known and practiced in the art, according to Kimura ('916). Hineno ('174) teaches that it is also well known in the art that interference pigments in cosmetic composition covers wrinkle in the skin."

Once again the Appellants must emphasize that, although the Examiner has focused on the similarity of the '916 reference compositions and those compositions disclosed in the present application, the claims at issue are not directed to compositions but to methods. The '916 reference is completely silent on the issue of reducing the appearance of lines and wrinkles associated with aging; nowhere in the reference is there any suggestion to use a composition comprising a blue or violet interference pigment in combination with a metal oxide pigment or to apply the composition to skin exhibiting lines and wrinkles, let alone age-wrinkled skin.

In the Examiner's discussion of Kimura (the '916 reference) on page 4 of her answer, she makes the following statement:

"While the claimed composition is disclosed in the prior art, the reference fails to explicitly teach using the composition to visibly reduce wrinkle or lines of the skin. Examiner views that wrinkle cause by chronic aging is a natural phenomena that obviously occurs in mature user's skin. Thus, examiner takes the position that the prior art composition, when used by the users with aged skin, obviously renders the wrinkle minimizing effect which applicants claim."

It is the Appellants' understanding from this statement that the Examiner recognizes that the application of the composition to a specific population of users exhibiting age-wrinkled skin is a critical limitation in the claims which must be met for the Examiner to establish a prima facie case of obviousness.

However, another interpretation of this statement, which the Appellants discussed in some detail in the Appeal Brief, but which the Examiner has still not addressed, is that, if the Examiner is suggesting that one practicing the method in the reference would necessarily be practicing the claimed method, that is, that the method in the reference will function in the claimed beneficial manner when topically applied to the skin, then the Examiner is confusing an obviousness analysis with anticipation based on inherency. It is well-settled that inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Oelrich and Divigard*, 212 USPQ 323 (CCPA 1981) (citing *In re Hansgirk v. Kemmer*, 40 USPQ 665). It must also be recognized that, in order for a reference to anticipate by inherency, the subject matter being claimed must undeniably and irrefutably follow from the prior art disclosure. *Hughes Aircraft Co. v.*

*United States*, 8 USPQ2d 1580 (Ct. C. 1988). A person of ordinary skill in the art reading the reference and the present specification would appreciate that the method in the reference and the claimed method are not directed to the same population of people in need of such treatments on their skin. A person of ordinary skill in the art reading the reference would immediately understand that the compositions were not said to reduce the appearance of lines and wrinkles associated with aging of the skin.

That the step of applying the “916 reference composition to discolored skin might possibly also involve the application of the composition to age-wrinkled skin also is not adequate to support a rejection based on anticipation by inherency. The court in *Eibel Process Co. v. Minnesota & Ontario Paper Co.*, 261 US 45, 66 (1923) held that accidental occurrences of the claimed subject matter, not intended and not appreciated, do not constitute anticipation.

One simply cannot ignore that the ‘916 reference does not teach applying the compositions to skin exhibiting lines and wrinkles for the specific purpose of reducing the appearance of lines and wrinkles associated with aging of the skin. In this connection, the Examiner is directed to the recent decision, *Nicholas V. Perricone, M.D. v. Medicis Pharmaceutical Corporation*, No. 05-1022, -1023, December 20, 2005, CAFC, published at <http://caselaw.lp.findlaw.com/data2/circs/fed/051022p.pdf>, wherein it was held that the previously known use of a fatty acid ester of ascorbic acid for topical application to skin did not anticipate a method of treating skin sunburn comprising topically applying to the skin sunburn a fatty acid ester of ascorbic acid. The Court stated, “The issue is not, as the dissent and district court imply, whether Pereira’s lotion if applied to skin sunburn would inherently treat that damage, but whether Pereira discloses the application of its composition to skin sunburn. It does not.”

The Examiner asserts that the present case can be distinguished from the facts of Perricone, since that case involves a clearly distinctive skin condition. Appellants disagree with the Examiner’s analysis. Age-wrinkled skin is a clearly distinctive skin condition which develops over time as a result of any and all of the factors listed by the Examiner. Therefore, analogous to the circumstances in *Perricone*, the previously known use of interference pigments in cosmetics generally, or the more specific use of blue interference pigment for camouflaging hyperpigmented skin as taught in the ‘916

reference, does not anticipate a method of reducing the appearance of lines and wrinkles associated with aging of the skin, which comprises applying to the skin exhibiting lines and wrinkles a makeup composition comprising an interference pigment having a blue or violet reflectance, combined with at least one metal oxide pigment.

In the absence of any teaching in the '916 reference that the composition should be applied to age-wrinkled skin, so that the natural result of the operation disclosed in the '916 reference would result in the claimed step of applying the composition to age-wrinkled skin, and in the absence of any showing of the Examiner by extrinsic evidence that all skin bears age-related wrinkles, any application of the reference composition to wrinkled skin is accidental and inadequate to support a conclusion of anticipation.

Turning once again to the issue of obviousness, the Examiner contends that although the '916 reference does not specifically disclose the application of the composition containing blue or violet interference pigment and a metal oxide pigment to age-wrinkled skin, the '174 reference teaches the application of interference pigments in a cosmetic composition for covering wrinkles, such that it would have been obvious to one skilled in the art, in view of the disclosure in the '174 reference to use the composition of the '916 reference to cover wrinkles. Appellants once again traverse this rejection. The claims at issue are directed toward a specific use of a specific type of interference pigment and not to a general use of interference pigments in disguising flaws.

The Appellants do not disagree that the '174 reference as a whole teaches that composite powders having essentially an unlimited number of interference colors may be produced for use for a variety of purposes. As stated in the reference in column 6, lines 6-12:

“This interference color mainly depends on the refractive index of the core particle, the refractive index of the coating component and the film thickness of the coating component in the composite powder of the present invention as mentioned above. That is, the desired interference color can be obtained from the composite powder of the present invention by properly adjusting these factors determining the interference color.”



Notwithstanding the Examiner's overbroad interpretation of the teaching in the '174 reference that any colorant may be used in the composite powder, for any purpose, there is nothing in the reference which would lead one skilled in the art to believe that any composition can be utilized for any purpose. One skilled in the art would appreciate that the reference as a whole more accurately teaches that, in formulating a composition, particular attention is to be paid to the type of compositions (e.g., makeup), and to the purpose for incorporating the composite powder into the makeup composition (e.g., to hide wrinkles). The reference simply does not teach expressly or implicitly that all interference pigments can be used to camouflage wrinkles. The only disclosure taught for wrinkle coverage is red interference color.

In response to the Appellants' argument that the '174 reference teaches the use of only red interference pigment in cosmetic compositions as useful for covering wrinkles, the Examiner asserts that:

"...disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments,...nowhere in the reference teaches that the wrinkle covering effect is attributed to the red color of the interference pigments...the reference teaches other interference pigments including reddish purple or blue."

The Appellants, once again, cannot agree with the Examiner's analysis of the reference. The 13 disclosed examples may be preferred embodiments of the overall invention, but from a fair reading of the entire disclosure of the '174 reference, one skilled in the art must conclude that the examples of cosmetic compositions for application to the facial skin and the lips using an interference pigment having a red reflectance for improving skin color and for covering wrinkles are not merely preferred embodiments. Furthermore, it is not at all clear to the Appellants how the Examiner can conclude that nowhere in the reference is there any teaching that a wrinkle covering effect is attributed to the red color. There is explicit disclosure of a wrinkle covering capability, and that disclosure is found in the examples. Only certain compositions disclosed in the reference are indicated as useful for camouflaging wrinkles and those are found in Examples 1 and 2, including Tables 2 and 3, in columns 14-16 of the reference. Those compositions use only composite powder (1), the particles of composite powder (1) having a light red interference color (first production example,

column 13, lines 3-23 of the reference). There is absolutely nothing in the reference which would suggest that a composition comprising a composite powder having any reflectance property other than a substantially red reflectance property would demonstrate any efficacy for hiding wrinkles. Therefore, the reference fails to teach that a composition comprising a composite powder having a blue reflectance property would have any wrinkle covering effect whatsoever. The only teaching relating to wrinkles coverage which one skilled in the art could take away from this reference is that the only color that has any utility for this purpose is red.

In fact, considering the reference as a whole, it is notable that of a total of 13 examples, 7 examples are directed to cosmetic compositions. Six of the 7 examples use a pigment having a red reflectance. None of the 7 examples teaches a composition including an interference pigment having a blue reflectance. Five of the 7 examples relating to cosmetic compositions are compositions intended for application to the facial skin and the lips (facial cream, loose powder, foundations and lip cream), and all 5 of these examples employ red interference composite powder (1) for the primary purpose of improving skin color (i.e., imparting a rosy tone to the skin). In all cases, an improvement in skin color was observed after application of the red interference powder-containing compositions to the skin. In Examples 1 and 2, it is also observed, as shown in Tables 2 and 3, respectively, that the compositions which improve skin color also demonstrate a further benefit: a wrinkle covering capability. The authors of the reference provided many examples of cosmetic compositions, and had ample opportunity to provide an example of a cosmetic composition for use on the facial skin, including a composition for covering wrinkles, using an interference color other than red. That all of the examples provided for this purpose use only a pigment exhibiting a red reflectance is strong evidence that the use of only red interference color in these compositions was intended, and that these examples do not represent mere preferred embodiments, as the Examiner contends, of cosmetic compositions useful for application to the facial skin and lips for improving skin color.

Based on the teachings in this reference, one skilled in the art would just not have considered using pigments having blue, green or yellow reflectance to improve skin color, or to blur the appearance of wrinkles in the skin. The present invention is therefore both surprising and unexpected in view of the teachings in either the “961 reference, the

'174 reference or the combination. Nevertheless, the Examiner asserts on page 7 of her Answer, without any basis whatsoever, that:

“...although no specific example of cosmetic formulation with blue pigment is shown....Examiner asserts that the use of blue interference pigments in cosmetic compositions to practice the Hineno method of covering wrinkle coverage is a nonpreferred embodiment and not a nonobvious which would have been obvious to the skilled artisan.”

The Examiner also states in the same paragraph of her Answer:

“..in Example 1 and 2 of Hineno, the red pigments are formed from purplish red pigments, which is similar to ‘violet’ color,...”.

In fact, there is no mention of a color of the final composition in Example 2; only that composite powder (1), which has a light red color, was used. In Example 1, it is disclosed that a color change of reddish purple to red, measured using a spectrophotometer, was observed for the composition. It is considered that one skilled in the art would interpret “reddish purple to red” to mean substantially red. Appellants therefore do not agree with the Examiner that reddish purple is “similar to ‘violet’”. In fact, although “violet” is a mixture of red and blue, the violet color is defined as a blue purple color seen at the end of the spectrum opposite red (please see the attached Appendix: The Concise Oxford Dictionary of Current English, 8<sup>th</sup> ed., reprinted 1991).

The Examiner further asserts on page 8 of her Answer that she relied on the objective teachings in Hineno (the ‘174 reference) to show that applying the composition of Kimura (the ‘916 reference) to discolored skin would necessarily result in its application to age-wrinkled skin. The Examiner states:

“Both Kimura and Hineno references use the light scattering effects of the interference pigments to alter the visual perception of the painted substrates by the viewers. Appellants’ cosmetic composition comprising blue interference pigments already has been described in Kimura. It should be also noted that one of ordinary skill in the art would have been motivated to use the Kimura composition for the cosmetic benefits other than coverage of hyperpigmentation. Kimura teaches the visual effects of using both red and blue interference pigments in cosmetics for the color camouflaging effect and transparent feel and a natural finish. This indicates that one of ordinary skill in the art would have been motivated to use the Kimura invention not only for hyperpigmentation, but also for other cosmetic benefits that these interference pigments commonly offer, as appellants have done in this case. Thus, further in view of the teaching

in Hineno that cosmetic composition comprising purplish-red/red interference pigments render wrinkle coverage effects, a skilled artisan would have reasonably expected that the topical application of Kimura composition would also camouflage wrinkles of the skin due to the light scattering properties of the blue interference pigments.”

The Appellants cannot agree with the Examiner’s reasoning for combining the references. The Examiner has merely engaged in a hindsight reconstruction of the claimed invention, and has presented no reasonable evidence in the form of any teaching, suggestion, incentive or inference in the cited references, or in the form of generally available knowledge, that one having ordinary skill in the art would have been led to combine the relevant teachings of the applied references in the manner proposed by the Examiner to arrive at the claimed method. Where an invention is contended to be obvious based upon a combination of elements across different references, our cases require that there be a suggestion, motivation or teaching to those skilled in the art for such a combination *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). This requirement prevents the use of “the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability – the essence of hindsight.” *Ecolochem, Inc. v. So. Ca. Edison Co.*, 56 USPQ2d 1065 (Fed. Cir. 2000) (quoting *In re Dembiczak*, [50 USPQ2d 1614] (Fed. Cir. 1999)).

The Examiner has drawn conclusions which are not based on objective teachings in the references. Although both the ‘916 and ‘174 references disclose the use of interference pigments in cosmetic compositions, this is where the similarity ends. The ‘916 reference teaches the specific use of specific composite powder compositions having a red or a blue reflectance color, which is complementary to a hyperpigmented portion of the skin, to camouflage the hyperpigmented portion of the skin so that it appears similar to the surrounding skin. To appear similar to the surrounding skin, the camouflaging composition would be required to demonstrate the properties of transparent feel and natural finish. Nowhere in the ‘916 reference is there any disclosure or suggestion, in contrast to the Examiner’s assertion above, of “other cosmetic benefits that these interference pigments commonly offer, as appellants have done in this case”. This faulty reasoning, based on a misinterpretation of the ‘916 reference, further demonstrates the Examiner’s impermissible use of hindsight reconstruction of the claimed invention. The ‘916 reference is completely silent about wrinkles. The ‘174 reference teaches, with respect to cosmetic compositions for application to the facial

skin, that improved color tone may be imparted to the skin, and that wrinkles in the skin may be covered, by applying to the skin a composition comprising a composite powder including an interference pigment having a red reflectance. There is no connection of blue with wrinkles in either reference. One skilled in the art would simply not have been guided by the '174 reference to use the '961 reference compositions, containing a pigment having a blue reflectance property, for covering wrinkles.

Additionally, the Examiner uses hindsight reasoning to conclude that, in view of the purple red/red interference color useful for covering wrinkles, as taught in the '174 reference, it would be expected that the light scattering properties of a composition comprising a pigment having a blue interference color, as taught in the '916 reference, would also camouflage wrinkles. The '916 reference is silent on wrinkles, and the '174 reference teaches that a composite powder having a red reflectance has been demonstrated to camouflage wrinkles. A purple red/red reflectance as disclosed in Example 1 of the '174 reference is not equivalent to a blue or a violet reflectance. The combination of the '916 and the '174 references could only result in the teaching that a cosmetic composition for camouflaging a hyperpigmented area of the skin, and having a red reflectance, according to the '916 reference, when applied to skin according to the method of the '174 reference, would also hide wrinkles when the hyperpigmented skin also includes wrinkles. The combined teaching of these references therefore does not result in the claimed method. The Examiner has not therefore established a *prima facie* case of obviousness, and the invention is patentable over the references cited.

**b. Claim 8**

The Examiner has again made the assertion that the Appellants, in their Substitute Appeal Brief, have improperly attacked the references individually in rebutting an obviousness rejection based on a combination of the references. The comments of Appellants on this issue, presented above with respect to the '916 and the '174 references, are also applicable here.

**1. Hurst**

Hurst teaches the use of bismuth oxychloride in cosmetic compositions to enhance the complexion by providing luster or frost. There is no teaching in the reference related to wrinkles or to any interference pigments.

Claim 8, which is appended to claim 1, requires the presence of bismuth oxychloride in the composition used in the method recited in claim 1. The Examiner contends that it would have been obvious to have modified the composition of the combined '916 and '174 references as motivated by Hurst, to arrive at the invention of claim 8, because of the expectation of successfully producing a composition with luster or frosted effect to enhance the natural look of the user. The Appellants again traverse the rejection of claim 8.

The arguments presented above, with respect to the rejection of claims 1 to 7 and 9 to 11 in view of the '916 and the '174 references are applicable here. The '916 reference fails to teach or suggest a method of using the compositions disclosed therein to visibly reduce wrinkles or lines in the skin caused by aging. The '174 reference fails to teach the use of a composition comprising a blue or violet interference pigment to camouflage wrinkles or lines in the skin, and in fact, teaches only the use of a composition comprising an interference pigment exhibiting a red reflectance for wrinkle coverage. The Hurst reference fails to remedy the defects of the combined teachings of the '916 and '174 references.

The combination of the '916 and '174 references is inadequate to support the rejection of claim 8, since at least one primary element of claim 1, to which claim 8 is appended, is not anticipated by or made obvious from the references. Specifically, the '916 reference does not teach the step of applying to the skin exhibiting age-related lines and wrinkles a makeup composition comprising an interference pigment having a blue or violet reflectance, combined with at least one metal oxide pigment. Furthermore, the '174 reference only teaches wrinkle camouflage using a composition comprising a red interference pigment. Hurst merely adds the further teaching that bismuth oxychloride may be used in powders to provide luster to enhance the complexion. The mere disclosure of bismuth oxychloride when the primary elements of the claims have not been shown to be either anticipated or obvious cannot then itself render the claims obvious. Since claim 8 depends directly from claims shown above to be unobvious in

view of the cited references, dependent claim 8 must also be found to be unobvious. See *In re Fine*, 50 USPQ 2d 1596 (Fed. Cir. 1988). As the combination of the '916 reference and the '174 reference with Hurst does not result in the claimed method, the Examiner has not made out a *prima facie* case of obviousness and the invention is patentable over the references cited.

## **CONCLUSION**

In light of the arguments presented above, the obviousness rejection of claims 1 to 7 and 9 to 11, based on the '196 reference in view of the '174 reference, and the obviousness rejection of claim 8 in view of the aforementioned references in further combination with the Hurst reference, should be reversed as they are unfounded.

Regarding claims 1 to 7 and 9 to 11, one of ordinary skill in the art would not have looked to the '916 reference for guidance in preparing wrinkle-camouflaging compositions, since the reference is silent concerning wrinkles and is directed to adjusting the appearance of a hyperchromic portion of the skin by applying to the portion of the skin in need of color adjustment a composition containing an interference pigment having a reflected light component of complementary color to the color of the skin in need of color adjustment. The application of the compositions of the '916 reference to age-related wrinkles is neither taught in nor suggested by the reference.

Moreover, the Examiner has provided neither extrinsic evidence nor inferences which one skilled in the art would reasonably be expected to draw from the applied references to prove that applying the compositions of the '916 reference to discolored skin necessarily brings about the claimed effect. The disclosure in the '174 reference could only lead the skilled person to use a '916 composition with an interference pigment having a red reflectance property to cover wrinkles.

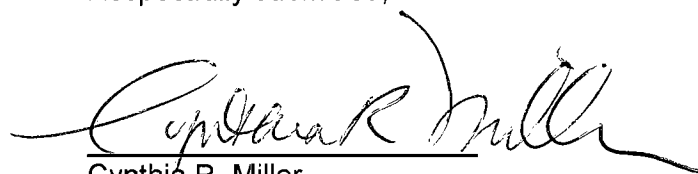
Turning to the obviousness rejection of claim 8, the Hurst reference does not provide any teaching to remedy the defects of the '916 and '174 references, since the Hurst reference is concerned only with adding luster to powders and is entirely silent on reducing the appearance of age-related wrinkles in the skin, and since the mere disclosure of bismuth oxychloride, when the primary elements of the claims have not been shown to be either anticipated or obvious by the combined teachings of the '916 and the '174 references, cannot then itself render the claims obvious.

Accordingly, the Appellants respectfully request withdrawal of the rejection of claims 1-11.



Date: 7/12/06

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cynthia R. Miller", written over a horizontal line.

Cynthia R. Miller  
Reg. No. 34,678  
Estee Lauder Companies  
Greenway Plaza  
Suite 345 South  
Melville, NY 11747

APPENDIX

The  
**CONCISE  
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of  
Current English

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## vinegar

**vinegar** /ˈvɪnɪɡə(r)/ *n.* 1 a sour liquid obtained from wine, cider, etc., by fermentation and used as a condiment or for pickling. 2 sour behaviour or character. **vinegarish** *adj.* **vinegary** *adj.* [ME *f. OF vyn egre* ult. *f. L vinum* wine + *acer, acre* sour]

**vinery** /ˈvaɪnəri/ *n.* (*pl.* -ies) 1 a greenhouse for grapevines. 2 a vineyard.

**vineyard** /ˈvɪnjəd, -jəd/ *n.* 1 a plantation of grapevines, esp. for wine-making. 2 *Bibl.* a sphere of action or labour (see Matt. 20:1). [ME *f. VINE + YARD*]

**vingt-et-un** /ˈvæŋtəˈz/ *n.* = PONTOON<sup>1</sup>. [F. = twenty-one]

**vin1-** /ˈvɪni/ *comb. form* wine. [L *vinum*]

**viniculture** /ˈvɪniˌkʌltʃə(r)/ *n.* the cultivation of grapevines. **vinicultural** /ˈkʌltʃərəl/ *adj.* **viniculturist** /ˈkʌltʃərɪst/ *n.*

**vinification** /ˌvɪnɪfɪˈkeɪʃ(ə)n/ *n.* the conversion of grape-juice etc. into wine.

**vinif** /ˈvɪnɪf/ *n.* the separation of leguminous crops from their vines and pods.

**vin** /ˈvɪnəʊ/ *n. sl.* wine, esp. of an inferior kind. [Sp. & It., = wine]

**vin ordinaire** /ˌvæ ɔːdɪˈneə(r)/ *n.* cheap (usu. red) wine as drunk in France mixed with water. [F. = ordinary wine]

**vinous** /ˈvaɪnəs/ *adj.* 1 of, like, or associated with wine. 2 addicted to wine. **vinosity** /ˈvɪnəsɪti/ *n.* [L *vinum* wine]

**vin rosé** /ˌvæ ɔːrəʊˈzeɪ/ *n.* = ROSÉ. [F]

**vint1** /vɪnt/ *v.tr.* make (wine). [back-form. *f. VINTAGE*]

**vint2** /vɪnt/ *n.* a Russian card-game like auction bridge. [Russ., = screw]

**vintage** /ˈvɪntɪdʒ/ *n. & adj.* — *n.* 1 a a season's produce of grapes. b the wine made from this. 2 a the gathering of grapes for wine-making. b the season of this. 3 a wine of high quality from a single identified year and district. 4 a the year etc. when a thing was made etc. b a thing made etc. in a particular year etc. 5 *poet. or rhet.* wine. — *adj.* 1 of high quality, esp. from the past or characteristic of the best period of a person's work. 2 of a past season. **vintage car** *Brit.* a car made between 1917 and 1930. **vintage festival** a carnival to celebrate the beginning of the vintage. [alt. (after *VINTNER*) of ME *vendage*, *vindage* *f. OF vendage* *f. L vindemia* *f. vinum* wine + *demere* remove]

**vintager** /ˈvɪntɪdʒə(r)/ *n.* a grape-gatherer.

**vintner** /ˈvɪntnə(r)/ *n.* a wine-merchant. [ME *f. AL vintenarius*, *vinetarius* *f. AF vineter*, *OF vinetier* *f. med.L vinetarius* *f. L vinetum* vineyard *f. vinum* wine]

**vinyl** see VINE.

**vinyl** /ˈvaɪnɪl/ *n.* any plastic made by polymerizing a compound containing the vinyl group, esp. polyvinyl chloride. **vinyl group** the organic radical or group  $\text{CH}_2\text{CH}$ . [L *vinum* wine + *-YL*]

**viol** /ˈvaɪəl/ *n.* a medieval stringed musical instrument, played with a bow and held vertically on the knees or between the legs. [ME *viel* etc. *f. OF viel* (*de*), alt. of *viola* *f. Prov. viola*, *viola*, prob. ult. *f. L vitulari* be joyful: cf. *FIDDLE*]

**viola1** /ˈvaɪələ/ *n.* 1 a an instrument of the violin family, larger than the violin and of lower pitch. b a viola-player. 2 a viol. **viola da braccio** /dəˈbrɑːtʃəʊ/ a viol corresponding to the modern viola. **viola da gamba** /dəˈgæmbə/ a viol held between the player's legs, esp. one corresponding to the modern cello. **viola d'amore** /dæˈmɔːrɪ/ a sweet-toned tenor viol. [It. & Sp., prob. *f. Prov.*: see *viol*]

**viola2** /ˈvaɪələ/ *n.* 1 any plant of the genus *Viola*, including the pansy and violet. 2 a cultivated hybrid of this genus. [L. = violet]

**violaceous** /ˌvaɪəˈleɪʃəs/ *adj.* 1 of a violet colour. 2 *Bot.* of the violet family *Violaceae*. [L *violaceus* (*as* *VIOLA*?)]

**violate** /ˈvaɪəleɪt/ *v.tr.* 1 disregard; fail to comply with (an oath, treaty, law, etc.). 2 treat (a sanctuary etc.) profanely or with disrespect. 3 break in upon,

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## virgin

disturb (a person's privacy etc.). 4 assault sexually; rape. **violable** *adj.* **violation** /ˌvaɪəˈleɪʃ(ə)n/ *n.* violator *n.* [ME *f. L violare* treat violently]

**violence** /ˈvaɪələns/ *n.* 1 the quality of being violent. 2 violent conduct or treatment, outrage, injury. 3 *Law* a the unlawful exercise of physical force. b intimidation by the exhibition of this. **do violence** to act contrary to; outrage. [ME *f. OF f. L violentia* (*as* *VIOLENT*)]

**violent** /ˈvaɪələnt/ *adj.* 1 involving or using great physical force (a violent person; a violent storm; came into violent collision). 2 a intense, vehement, passionate, furious (a violent contrast; violent dislike). b vivid (violent colours). 3 (of death) resulting from external force or from poison (cf. *NATURAL* *adj.* 2). 4 involving an unlawful exercise of force (laid violent hands on him). **violently** *adv.* [ME *f. OF f. L violentus*]

**violet** /ˈvaɪələt/ *n. & adj.* — *n.* 1 a any plant of the genus *Viola*, esp. the sweet violet, with usu. purple, blue, or white flowers. b any of various plants resembling the sweet violet. 2 the bluish-purple colour seen at the end of the spectrum opposite red. 3 a pigment of this colour. b clothes or material of this colour. — *adj.* of this colour. [ME *f. OF violet(te)* dimin. of *viole* *f. L VIOLA*]

**violin** /ˈvaɪəlɪn/ *n.* 1 a musical instrument with four strings of treble pitch played with a bow. 2 a violin-player. **violinist** *n.* [It. *violino* dimin. of *VIOLA*]

**violinist** /ˈvaɪəlɪst/ *n.* a viol- or viola-player.

**violoncello** /ˌvaɪələntˈʃeləʊ, -viə-/ *n.* (*pl.* -os) *formal* = CELLO. **violoncellist** *n.* [It., dimin. of *VIOLONE*]

**violone** /ˈvaɪləʊni/ *n.* a double-bass viol. [It., augment. of *VIOLA*]

**VIP** *abbr.* very important person.

**viper** /ˈvaɪpə(r)/ *n.* 1 any venomous snake of the family *Viperidae*, esp. the common viper (see *ADDER*). 2 a malignant or treacherous person. **viper** in one's bosom a person who betrays those who have helped him or her. **viper's bugloss** a stiff bristly blue-flowered plant, *Echium vulgare*. **viper's grass** *scorzonera*. **viperine** /-raɪn/ *adj.* **viperish** *adj.* **viper-like** *adj.* **viperous** *adj.* [F *vipère* or *L vipera* *f. vivus* alive + *parere* bring forth]

**virago** /ˈvɪrəɡəʊ, -reɪɡəʊ/ *n.* (*pl.* -os) 1 a fierce or abusive woman. 2 *archaic* a woman of masculine strength or spirit. [OE *f. L*, = female warrior, *f. vir* man]

**viral** /ˈvaɪərəl/ *adj.* of or caused by a virus. **virally** *adv.*

**virelay** /ˈvɪrɪleɪ/ *n.* a short (esp. old French) lyric poem with two rhymes to a stanza variously arranged. [ME *f. OF virelai*]

**virement** /ˈvaɪərəmənt, -vɪərəmə/ *n.* the transfer of items from one financial account to another. [F *f. virer* turn: see *VEER*]

**vireo** /ˈvɪrɪəʊ/ *n.* (*pl.* -os) any small American songbird of the family *Vireonidae*. [L, perh. = greenfinch]

**virescence** /ˈvɪres(ə)ns/ *n.* 1 greenness. 2 *Bot.* abnormal greenness in petals etc. normally of some bright colour. **virescent** *adj.* [L *virescere*, incept. of *virere* be green]

**virgate1** /ˈvɜːɡət/ *adj. Bot. & Zool.* slim, straight, and erect. [L *virgatus* *f. virga* rod]

**virgate2** /ˈvɜːɡət/ *n. Brit. hist.* a varying measure of land, esp. 30 acres. [med.L *virgata* (rendering OE *gierd-land* yard-land) *f. L virga* rod]

**virger** *var. of* VERGER.

**Virgilian** /ˈvɜːdʒɪliən/ *adj.* of, or in the style of, the Roman poet Virgil (d. 19 bc). [L *Vergilianus* *f. P. Vergilius* Maro, Virgil]

**virgin** /ˈvɜːdʒɪn/ *n. & adj.* — *n.* 1 a person (esp. a woman) who has never had sexual intercourse. 2 a (the Virgin) Christ's mother the Blessed Virgin Mary. b a picture or statue of the Virgin. 3 (the Virgin) the zodiacal sign or constellation Virgo. 4 *colloq.* a naïve, innocent, or inexperienced person (a